

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2415 of 1999

with

CIVIL APPLICATION NO.6497 of 1999

with

SPECIAL CIVIL APPLICATION NO.2426 OF 1999

with

CIVIL APPLICATION NO.6503 of 1999

with

SPECIAL CIVIL APPLICATION NO.3148 OF 1999

with

SPECIAL CIVIL APPLICATION NO.3150 OF 1999

with

SPECIAL CIVIL APPLICATION NO.3157 of 1999

with

SPECIAL CIVIL APPLICATION NO.3161 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

1 to 5 No.

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PADMAVATI AGRO CONSUMER'S SANSTHA

Versus

IBP COMPANY LIMITED,

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Appearance:

SPECIAL CIVIL APPLICATION NO.2415/99 & 2426/99

MR D.C.Dave for the petitioners  
MS DESAI for MR GN Shah for respondent.

SPECIAL CIVIL APPLICATION NO.3148/99, 3150/99,  
3157/99 AND 3161/99.

MR R.M.Chhayafor Petitioners  
MS DESAI for MR GN Shah for respondent

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CORAM : MR.JUSTICE M.R.CALLA  
Date of decision: 23/07/1999

#### ORAL JUDGEMENT

In all these Special Civil Applications, the petitioners claim to be the holders of diesel pumps, popularly known as consumer pump. In all these petitions, the direction has been sought against the respondent-companies not to discontinue the supply of high speed diesel to the petitioners at the consumer pumps belonging to them at different places as mentioned in their respective petitions.

2. It is given out by both the sides that identical petitions were dismissed by a co-ordinate Bench of this Court. Against that decision of learned Single Judge, Letters Patent Appeals being number 444/99 and others were preferred. The Division Bench has decided the Letters Patent Appeal No.444/99 along with several Miscellaneous Civil Applications moved in different Letters Patent Appeals. This Letter Patent Appeal No.444/99 and other Misc. Civil Applications moved in different Letters Patent Appeals have been decided by a common order dated 16-7-99. A copy of this order dated 16-7-99 passed by the Division Bench has been produced before this Court.

3. I have gone through this order dated 16-7-99 and I find that these Special Civil Applications may also be decided in the same terms.

4. Rule. Ms. Desai for Mr G.N.Shah waives service of Rule on behalf of the respondent in all the matters. The matter is taken up for final hearing on the request of both the sides.

5. In the facts and circumstances of the case, following the order dated 16-7-99, passed by the Division Bench in Letters Patent Appeal, it is directed that the supply of high speed diesel to the petitioners-societies

may be resumed within a period of two weeks from today, i.e. on or before 6th August, 1999. The petitioners herein shall abide by the following conditions :-

(1) Consumer pumps must execute consumer pump agreements as per the standard format. In case it is not done within one month, they will not be entitled to supply of petroleum products from the concerned Oil Company and the concerned Oil Company will not supply petroleum products to the consumer.

(2) The consumer pumps which are public trusts will be converted into cooperative societies within two months, failing which they will not be entitled to any supplies of petroleum products and the concerned Oil Company will not supply petroleum products to the consumer pump till such conversion takes place.

(3) The consumer pumps will give an undertaking to the High Court to the following effect ;

(i) They will take only genuine agriculturists, farmers as members and petroleum products will be sold to them only.

(ii) The consumer pump will, if required by

the concerned Oil Company, change the layout format/get up of the consumer pump, if so desired by the concerned Oil Company, to distinguish it from a retail outlet.

(4) In the event of breach of any of the conditions, concerned consumer pump will not be entitled to the supply of petroleum products. The concerned oil company will not supply petroleum products pending an inquiry into the breach of the conditions committed by the consumer pumps.

(5) Those consumer pumps which, though sanctioned, have not been commissioned, will be commissioned by the concerned oil company after the receipt of the approval from the appropriate authority.

6. The petitioners shall give the aforesaid undertaking to the High Court, that is in favour of Registrar of this Court and the same shall be furnished by the petitioners within two weeks thereof.

7. The order dated 16-7-99, passed by the Division Bench as produced before this Court shall remain on

record of this Court.

8. All these six Special Civil Applications are allowed as above. Rule made absolute in each of the petitions accordingly. No order as to costs. D.S. permitted.

9. No orders are required to be passed in in Civil Application No.6497/99 and 6503/99 and both these Civil Applications are hereby disposed of

23-07-99 (M.R.Callan,J.)

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